

Minutes

Council Meeting

Monday, 14th December 2020

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**City of Kingston
Council Meeting**

Minutes

14 December 2020

The meeting commenced at 7.03pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Steve Staikos (Mayor)
Cr Hadi Saab (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr Tracey Davies
Cr Jenna Davey-Burns
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr George Hua
Cr Georgina Oxley

In Attendance: Julie Reid, Chief Executive Officer
Mauro Bolin, General Manager Community Sustainability
Paul Franklin, General Manager Corporate Services
Samantha Krull, General Manager City Assets and Environment
Jonathan Guttmann, General Manager Planning and Development
Phil De Losa, Manager Governance
Gabrielle Pattenden, Governance Officer
Lindsay Holland, Facilities Officer
Keshia West, Media and Communications Advisor

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Oxley

Seconded: Cr Hua

That the Minutes of the Council Meeting held on 30 November 2020 be confirmed.

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

Cr Bearsley foreshadowed a declaration of a conflict of interest in Item 9.1

Cr Howe foreshadowed a declaration of a conflict of interest in Item 14.1.

The CEO, Julie Reid foreshadowed a declaration of a conflict of interest in Item 11.1, 12.4, 14.2 and 14.3.

The General Manager, Corporate Services, Paul Franklin foreshadowed a declaration of a conflict of interest in Item 14.3.

4. Petitions

Nil

5. Presentation of Awards

Nil

6. Reports from Delegates Appointed by Council to Various Organisations

Nil

7. Question Time

Moved: Cr Oxley

Seconded: Cr Hua

That notwithstanding the requirement of the Governance Rules, answers be read out to all questions submitted by 7.00pm given the current measures responding to the Covid-19 Coronavirus.

CARRIED

Question Time was held at 8.13pm. Refer to page 32 of the Minutes.

Block Resolution

Moved: Cr Saab

Seconded: Cr Cochrane

That the following items be block resolved and that the recommendation in each item be adopted:

- 8.1 Town Planning Application Decisions November 2020
- 8.8 Planning Compliance in the Green Wedge - Update December 2020
- 10.1 Continued Support of Community Sporting Clubs (summer) during COVID-19 Restrictions
- 10.2 Emergency Management Planning Reform – Changes to Municipal Emergency Management Planning Committee
- 10.4 Elder Street South Reserve
- 11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract
- 11.3 Annual Report 2019/20
- 11.4 Commercial Use of Land Application - Mordialloc Summer Carnival
- 11.6 Media and External Communications Policy Review
- 11.8 Quick Response Grants

Cr Howe left the meeting at 7:08pm

Cr Howe returned to the meeting at 7:08pm

CARRIED

8. Planning and Development Reports

8.1 Town Planning Application Decisions November 2020

RECOMMENDATION

That the report be noted.

8.2 KP-2019/799 - 22 Sycamore Avenue Mentone

It is recorded that Stuart Wyse spoke on behalf of objectors.

Moved: Cr Davies

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit for the development of land for three (3) dwellings at 22 Sycamore Avenue, Mentone, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the re-advertised plans prepared by 'BK World', drawing no. TP-00 to TP-12 inclusive, revision B dated 29/04/2020 (TP-00, TP-02, TP-08 to TP-12) & revision C dated 02/06/2020 (TP-04 to TP-07), no revisions for TP-01 and TP-03. submitted to Council on 09/07/2020, but modified to show:
 - a) A garden area of at least 35% maintained as a result of the changes under condition 1.
 - b) The development designed to address ground level overlooking to adjoining properties by increasing boundary fence height to at least 1.8m (where applicable) or other suitable measure in accordance with standard B22 of Clause 55.04-6.
 - c) Obscured glazing to upper level windows nominated as being permanently fixed.
 - d) The south-facing upper level bedroom window of Dwelling 1 (opposite Dwelling 2) increased to a full height clear glazed window.
 - e) The Dwelling 1 upper level walk-in-robe southern wall setback at least 7.85m from the southern boundary of the dwelling's secluded private open space in accordance with 29 of Clause 55.05-5.
 - f) The Dwelling 1 master bedroom wall setback to the western (side) property boundary increased or it be demonstrated on plans that the proposed setback complies in accordance with standard B17 of Clause 55.04-1.
 - g) The Dwelling 3 WIR and ensuite wall on boundary reduced in average height to no more than 3.2 metres in accordance with standard B18 of Clause 55.04-2.
 - h) The Dwelling 3 WIR and ensuite wall set off the boundary to allow for the existing boundary fence to be retained.
 - i) The Dwelling 3 ground floor wall reduced in height or boundary setback

- increased to ensure no new shadows over the existing boundary fence shadow onto the secluded private open space of no. 24A Sycamore in accordance with standard B21 of Clause 55.04-5.
- j) Gradient for the tandem car space of Dwelling 1 must not exceed 1:20.
 - k) Provision of a longitudinal section of the reverse fall driveway with levels and grades to AHD, and designed in accordance with Clause 52.06 of the Kingston Planning Scheme.
 - l) The internal driveway setback at least 500 millimetres from the side boundary at the front property boundary.
 - m) The landscape bed adjacent to the common driveway along the eastern boundary of the site is to be tapered back for a length of 4.7m from the southern point of where the landscape bed starts to allow for satisfactory vehicle swept paths.
 - n) The vehicle crossings kept separate from the neighbours vehicle crossing to enable the creation of a pedestrian refuge of no less than 1 metre wide.
 - o) A distance of at least 5.4 metres achieve between the edge of each crossover on Sycamore Avenue.
 - p) The surface material of all driveways / accessways and car parking spaces to be nominated in all-weather coloured concrete sealcoat or similar or permeable paving.
 - q) The location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown and located in accordance with condition 20.
 - r) The provision of a full colour palette, finishes and building materials schedule for all external elevations, front fencing and driveways of the development.
 - s) All relevant commitments identified within the Sustainable Design Assessment, required under condition 11 of this permit, shown on plans.
 - t) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees with a trunk circumference at ground level of 110cm to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - iii. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - iv. The delineation of all garden beds, paving, grassed area, retaining walls, fences and other landscape works;
 - v. A range of plant types from ground covers to large shrubs and trees,

- provided at adequate planting densities (e.g. plants 1 metre width at maturity planted 1 metre apart);
- vi. The retention of the *Cupressus torulosa* (Bhutan Cypress) located adjacent to the southern boundary of the property;
 - vii. One (1) native canopy trees capable of growing to minimum mature dimensions of 15 metres in height and 8 metres in width to be planted in the front setback of the property;
 - viii. One (1) canopy tree capable of growing to a minimum mature height of 10 metres to be planted in the secluded private open space of Dwellings 1 and 2;
 - ix. All trees provided at a minimum of 2 metres in height at time of planting, medium to large shrubs to be provided at a minimum pot size of 200mm;
 - x. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
 - xi. Tree protection measures including for street trees accurately drawn to scale and labelled as per the endorsed Tree Management Plan;
- u) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.

Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Tree Management and Protection

3. The *Cupressus torulosa* (Bhutan Cypress) located adjacent to the southern boundary of the property is to be retained.
4. Excavations for the driveway within the structural root zone of the neighbouring tree *Robinia x fraseri*, Tree 13 in the advertised Blue Gum arborist report, are to be undertaken under the supervision of the project arborist, with no roots greater than 25mm in diameter to be severed.
5. Concurrent with the endorsement of plans under condition 1, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a) A Tree Management Plan (written report) must provide details of:
 - i) Tree protection measures that will be utilized to ensure all trees to be retained remain viable post-construction.
 - ii) Stages of development at which inspections are required to ensure tree protection measures are adhered to, or to supervise works must be specified.
 - b) A Tree Protection Plan (scale drawing) must provide details of:
 - i) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighboring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii) The location of tree protection measures to be utilized.

- iii) A notation to refer to the Tree Management Plan.
- 6. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
- 7. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree

- 8. Tree Protection Fencing is to be established around the *Melaleuca styphelioides* (Prickly-leaved Paperbark) street trees prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be a 1.8 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting.
 - b) The fencing is to encompass the entire nature strip with each end 3 metres from the base of the tree.

Drainage and Water Sensitive Urban Design

- 9. Unless with the prior written consent of the Responsible Authority, before the development commences, the following Integrated Stormwater Management documents must be prepared, by a suitably qualified person, to the satisfaction of the Responsible Authority.
 - a) Stormwater Management/drainage (drainage) Plan(s) must be prepared, with supporting computations, showing the stormwater (drainage) works to the nominated point of discharge. The plan(s) must show all details of the proposed stormwater (drainage) works including all existing and proposed features that may have impact on the stormwater (drainage) works, including landscaping details.
 - b) The Stormwater Management (drainage) Plan must address the requirements specified within Council's "Civil Design requirements for Developers – Part A: Integrated Stormwater Management".
 - c) A STORM modelling report with results demonstrating water sensitive urban design treatments that achieve Victorian best practice objectives with a minimum 100% rating must be provided as part of the Stormwater Management (drainage) Plan to the satisfaction of the Responsible Authority. These may include the use of an infiltration or bio-retention system, rainwater tanks connected for reuse, or other treatments to the satisfaction of the Responsible Authority.
 - d) The water sensitive urban design treatments as per conditions 9 a), b) and c) above must be implemented on-site, unless an alternative agreement for stormwater quality in-lieu contribution is reached with the Responsible Authority.
- 10. Stormwater/drainage works must be implemented in accordance with the approved stormwater management/drainage plan(s) and to the satisfaction of the Responsible Authority including the following:
 - a) All stormwater/drainage works must be provided on the site so as to

prevent overflows onto adjacent properties.

- b) The implementation of stormwater/drainage detention system(s) which restricts stormwater discharge to the maximum allowable flowrate of 8.2L/s.
- c) All stormwater/drainage works must be maintained to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

- 11. Concurrent with the endorsement of the plans required pursuant to Condition 1 of this permit, the provision of a Sustainable Design Assessment (SDA) substantially in accordance with the SDA prepared by 'Passive Energy' dated 14 August 2020 (Revision D) must be submitted to and approved by the Responsible Authority. The SDA must include, but is not limited to, detailing initiatives for stormwater harvesting, insulation, building materials, daylighting, collective rainwater tanks and/or individual rainwater tanks, public and private landscape irrigation and car washing, energy efficient concepts, glazing and internal ventilation and the like.
- 12. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the responsible authority. No alterations to the SDA may occur without the written consent of the Responsible Authority.

Infrastructure and Road Works

- 13. Vehicle crossings must be constructed at a 90 degree alignment with the kerb on Sycamore Avenue and all internal driveways must align with the existing/proposed vehicle crossing.
- 14. Any relocation of pits/power poles or other services affected by this development must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority, at the cost of the owner/developer.
- 15. Property boundary and footpath levels must not be altered without the prior written consent form the Responsible Authority.
- 16. All reinstatements and vehicle crossings must be constructed to the satisfaction of the Responsible Authority.
- 17. The replacement of all footpaths, including offsets, must be constructed to the satisfaction of the Responsible Authority.
- 18. Any redundant vehicle crossings must be removed (including redundant portions of vehicle crossings) to the satisfaction of the Responsible Authority.

General amenity conditions

- 19. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
- 20. All externally-located heating and cooling units, exhaust fans and the like must not be located adjacent to bedroom windows on adjoining properties and must not be located where they will be highly visible from any public area to the satisfaction of the Responsible Authority.
- 21. All piping, ducting above the ground floor storey of the development (other than rainwater, guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.

Completion of Works

22. Prior to the occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.
23. Prior to the occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Thereafter, the landscaping shall be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Expiry

24. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the issue date of this permit.
 - b. The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

Note: The allocation of street numbering and addressing of properties is vested in Council. Any reference to addressing or dwelling/unit/apartment and street numbers or street names on any endorsed plan is indicative only. The onus is on the Permit Applicant/Land Owner to contact Council's Property Data Department to determine the official dwelling/unit/apartment street numbers, street name details and the like for the approved development.

If the Permit Applicant/Land Owner adopts the street numbering or addressing from the endorsed plans, or where advertising and/or sales transact (off the plan) prior to Council's official allocation of the street numbering and addressing, it will be viewed to be non-compliant with the guideline and standard applied (Australian/New Zealand Standard for Rural & Urban

Addressing / AS/NZS 4819:2011).

Note: The owner(s), occupiers and visitors of the development allowed by this permit may not be eligible for Council resident or visitor parking permits.

LOST

Moved: Cr Oxley

Seconded: Cr Davey-Burns

That Council determine to issue a Notice of Refusal to Grant a Permit for the development of land for three (3) dwellings at 22 Sycamore Avenue, Mentone, on the following grounds:

1. The proposal is not consistent with the purpose of the General Residential Zone (Schedule 3) at Clause 32.08 of the Kingston Planning Scheme as the proposal does not provide a design outcome that is respectful of the existing and preferred neighbourhood character.
2. The proposal does not satisfy the requirements of Clause 22.06 – Residential Development Policy of the Kingston Planning Scheme.
3. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.03-1 Street Setback Objective and Clause 55.05-5 Solar Access to Open Space Objective and Clause 55.06-1 Design Detail Objective.
4. The proposal fails to provide an acceptable built form outcome having regard to the physical and policy context. In particular, the proposal includes unacceptable continuous built form including at the rear of the site.
5. The proposal represents an overdevelopment of the subject site providing an inappropriate response to local policy expectations and the character of the area having regard to the incremental housing change expected.

CARRIED

Cr Oxley left the meeting at 7.20pm

8.3 KP-2020/515 - Rear 25 Heslop Street, Parkdale

Moved: Cr Hill

Seconded: Cr Cochrane

That Council determine to support the proposal and issue a Planning Permit for alterations and additions to an existing building (deck and façade) at the rear of 25 Heslop Street, Parkdale, subject to the following conditions:

Endorsed plans

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the advertised plans prepared by Wheelhouse Architecture Pty Ltd, drawing nos.A000, A101, A201, and A701, 6 July 2020 but modified to show:
 - a. The deck to be redesigned or alternative access provided in accordance AS1428 part D3 of the Building Code of Australia and as approved by the relevant private building surveyor.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

General conditions

3. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.

Completion of works

4. All buildings and works and the conditions of this Permit must be complied with to the satisfaction of the Responsible Authority, unless with the further prior written consent of the Responsible Authority.

Expiry

5. This Permit as it relates to development will expire if one of the following circumstances applies:
6. the development is not started within two (2) years from the date of this Permit.
7. the development is not completed within four (4) years from the date of this Permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of works, the permit holder/land owner is required to obtain the necessary building permit.

Note: The permit holder/land owner must provide a copy of this Permit to any appointed building surveyor. It is the responsibility of the permit holder/land owner and building surveyor to ensure that all building development works approved by any building permit is consistent with this Permit.

Note: Environment Protection Authority Victoria set out the requirements pertaining to site construction hours and permissible noise levels.

Note: Before removing/pruning any vegetation from the site, the permit holder/land owner or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management department to verify if a local laws permit is required for the removal of such vegetation.

CARRIED

8.4 KP-2020/420 - Mentone Life Saving Club Clubhouse 66 Bay Trail Mentone

Moved: Cr Hill

Seconded: Cr Howe

That Council determine to support the proposal and issue a Notice of Decision to grant a Planning Permit to use of the land for an innominate use (Life saving club) and place of assembly, reduce the car parking requirements of Clause 52.06 and removal of native vegetation pursuant to Clause 52.17 at 66 Bay Trail, Mentone (Mentone Life Saving Club Clubhouse), subject to the following conditions:

1. Before any permitted clearing of native vegetation starts, amended plans to the

satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plans must be drawn to scale with dimensions and georeferenced that clearly show:

- a) the provision of a landscape plan in accordance with the submitted development plan, with such plans to be prepared by a suitably qualified landscape professional to the satisfaction of the Responsible Authority and incorporating:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - ii. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
 - iii. 460 square metres of plants from EVC 161 Coastal Headland Scrub with the percentage of each plant consistent with the *Department of Sustainability and Environment EVC/Bioregion Benchmark for Vegetation Quality Assessment, Gippsland Plain Bioregion*;
 - iv. A minimum of 20 *Allocasuarina verticillata* (Drooping She-oak), planted at a minimum 2 metres in height
 - v. Notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
 - vi. Tree protection measures accurately drawn to scale and labelled as per the endorsed Tree Management Plan.
- b) The location of tree protection measures illustrated to scale and labeled on the Ground Floor Plan as per the endorsed Tree Management Plan.
- c) Any changes as required by condition 6.
- d) The intersection of the shared user path and beach access way ramp narrowed where possible to improve safety between pedestrians and vehicles to the satisfaction of the Responsible Authority.
- e) The provision of a corner visual splay for the beach access ramp with the shared user path in accordance with Clause 52.06-9 or other suitable arrangement to the satisfaction of the Responsible Authority.

Endorsed plans

2. The use and native vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Cultural Heritage Management Plan

4. All works must be carried out in accordance with the Cultural Heritage Management Plan 15870 dated 29 June 2020 prepared by Biosis.

Trees to be retained

5. The retention of the *Banksia integrifolia* (Coast Banksia) identified as trees

numbered 2, 3, 4, 5 and 6 in the Treescape Consulting report dated September 2020.

Tree Management and Protection Plan

6. Concurrent with the endorsement of plans in condition 1, a Tree Management Plan prepared by a suitably qualified arborist in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - b. A Tree Management Plan (written report) must provide details of:
 - i. Any non-destructive root investigation undertaken to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed construction methods for the carpark within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
 - c. A Tree Protection Plan (scale drawing) must provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - ii. Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 - iv. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - v. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - vi. Any pruning to be undertaken being in accordance with AS4373-2007.
 - vii. A notation to refer to the Tree Management Plan.
7. All protection measures identified in the Tree Management Plan must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management Plan, to the satisfaction of the Responsible Authority.
8. Prior to the commencement of works, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be

submitted to the Responsible Authority.

Department of Environment, Land, Water and Planning

9. The works are to be carried out generally in accordance with:
 - The application 'MENTONE LIFESAVING CLUB REDEVELOPMENT' received on 28/07/2020 and the further information received on 7 September 2020 and 12 October 2020; prepared by Kingston City Council.
 - The plans titled Project H18021 Mentone LSC prepared by HEDE Architect version TP1 date 2020.07.08.
10. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
11. Prior to works commencing, a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
12. Any required beach nourishment as recommended in the Coastal Hazard Vulnerability Assessment dated 04/09/2020 will be the responsibility of Kingston City Council.
13. Any required maintenance or upgrades to the bluestone seawall will be the responsibility of Kingston City Council.
14. All revegetation must utilise indigenous species.
15. Indigenous vegetation (other than approved by this consent) must not be damaged or removed as a result of the works.
16. Any clearing or construction activity associated with the works, should be carried out in accordance with the EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
17. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
18. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay.
19. All works must be completed and maintained to the satisfaction of Kingston City Council.
20. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, DELWP.

Native Vegetation Removal Conditions

21. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
22. The total area of native vegetation proposed to be removed totals 0.074 hectares comprising patches of Coastal Headland Scrub (EVC161) and Berm Grassy Shrubland (EVC311).
23. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.016 general habitat units:
 - a. located within the Port Phillip and Westernport Catchment Management

- boundary or Kingston municipal area.
- b. with a minimum strategic biodiversity score of at least 0.298.
24. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
- a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
25. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning, Port Phillip regional office.
26. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
27. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
28. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displayed wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
29. Prior to the commencement of works a Tree Management Plan be prepared for the approval of the responsible authority, that includes measures to ensure the protection and retention of trees along Beach Road, as described in the Arboricultural Impact Assessment (Treescape Consulting, September 2020).
30. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted development, the following is prohibited:
- a. Any vehicle or pedestrian access, trenching or soil excavation, and
 - b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c. Entry or exit pits for underground services, and
 - d. Any other actions or activities that may result in adverse impacts to retained native vegetation.
31. Prior to the commencement of the use, replacement planting and re-vegetation of the site must occur to the satisfaction of the Responsible Authority. All planting must occur under the direction and supervision of the City of Kingston's Foreshore Team.

Place of assembly use

32. A Third Party Hire Agreement must be prepared for any external hire of the building and submitted to the satisfaction of the responsible authority in accordance with Kingston City Council's *Lease and Licence Policy 2018* (or as amended time to time). The Agreement will then be endorsed and form part of the permit. This Agreement must include, but is not limited to the following information:
 - a. The suggested strategies for the management of patrons departing the premises;
 - b. A section that provides for a nominated person and contact details for each event; and
 - c. A copy of the planning permit.
33. A register must be prepared which manages and records any complaints regarding the operation of the premises during events held by third parties. The register must be held on-site and available to inspect at any time by the responsible authority.
34. The place of assembly must only operate during the following hours unless with the written consent of the Responsible Authority:

Sunday – Thursday	5.00am – 10.30 pm
Friday – Saturday	5.00am – 12 midnight
35. The place of assembly use must not exceed a maximum number of 180 patrons on the premises at any one time.
36. Functions held at the venue on a Friday or Saturday must not operate later than 11.30pm on the day of the function, with the building vacated by 12 midnight on these days.

Venue Management Plan

37. Prior to the commencement of the use, a Venue Management Plan must be submitted to the satisfaction of the Responsible Authority. The Management Plan must address, but is not limited to the following:
 - a) Management Responsibilities
 - b) Emergency Management
 - c) Patron Management
 - d) Identification of areas of the building available for events
 - e) Safety and Security Measures
 - f) Noise Control
 - g) Incident Recording / Reporting
 - h) Complaints Recording / Reporting
 - i) Parking Management
 - j) Alcohol Consumption Permit Requirements

General amenity conditions

38. The amenity of the area must not be detrimentally affected by the use, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.

- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam,
 - d) soot, ash, dust, waste water, waste products, grit or oil.
 - e) Presence of vermin.
 - f) Any other way.
39. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
40. The use of the site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Australian Standards A51055 and A52107 relating to the measurement of Environmental Noise and recommended sound levels.

Time Limits

41. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
- The use and works are not started before two (2) years from date of this permit.
 - The works are not completed before four (4) years from the date of permit issue.
 - The use is discontinued for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development you are required to obtain the necessary Building Permit.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

CARRIED

8.5 KP-2020/472 - Peter Scullin Reserve, 206-220 Bay Trail, Mordialloc

Moved: Cr Cochrane

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision for the Native Vegetation Removal pursuant to Clause 52.17 (Native Vegetation) and removal of trees pursuant to Clause 43.01 (Heritage Overlay Schedule 108) at Peter Scullin Reserve, 206-220 Bay Trail, MORDIALLOC VIC 3195, subject to the following conditions:

1. Before any permitted clearing of native vegetation starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan. The plans must be drawn to scale with dimensions and georeferenced that include:
 - a. The provision of a Landscape Plan, to the satisfaction of the Responsible Authority to include:
 - i. Six (6) *Allocasuarina verticillata* (Drooping She-oak);
 - ii. Two (2) *Banksia integrifolia* (Coast Banksia);
 - iii. Retention of the *Leptospermum laevigatum* (Coast Tea-tree) adjacent to the southeast corner of the development area.
 - iv. A variety of shrubs, ground covers, grasses and climbing vines, consisting of 100% native species, being either listed on the Kingston Indigenous Plant List or within the EVC160.
 - v. A schedule, including, botanical names of all existing trees to be retained or removed on the site including Tree Protection Zones for trees to be retained calculated in accordance with AS4970-2009;
 - vi. Tree protection measures accurately drawn to scale and labelled

Endorsed Plans

2. The vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Vegetation Management

4. Two (2) *Banksia integrifolia* (Coast Banksia) and six (6) *Allocasuarina verticillata* (Drooping She-oak) to be planted at a minimum mature height of 2 metres in the landscaped area surrounding the change facility/toilet block as a replacement for the trees removed.
5. The retention of the *Leptospermum laevigatum* (Coast Tea-tree) adjacent to the south-east corner of the development.
6. Concurrent with the endorsement of plans, a Tree Protection Plan (scale drawing) prepared by a suitably qualified person in accordance with AS4970-2009, must be submitted to and be endorsed by the Responsible Authority and incorporating:
 - a. The location of tree protection measures to be utilised for any vegetation

- within ten (10) metres of the perimeter of the area to be developed,
- b. Specifications for the fencing to be used,
 - c. When the fencing will be erected and removed and who is responsible for ensuring the fencing remains in place,
 - d. That access to within the fenced areas and relocation of the fences once they are established is prohibited unless with the consent of either Council's planning or parks arborist.

Cultural Heritage Management Plan

7. All works must be carried out in accordance with the Cultural Heritage Management Plan 17069 dated 22 May 2020 prepared by TerraCulture Heritage Consultants.

Department of Environment, Land, Water and Planning

8. The works are to be carried out generally in accordance with plans titled:
 - 'PETER SCULLIN RESERVE PUBLIC TOILETS – "SEASHELL"' dated 02/07/2020 prepared by k20 Architecture.
9. Any modification to the works proposed will require further approval by the Regional Director, Port Phillip Region, Department of Environment, Land, Water and Planning (DELWP).
10. Prior to works commencing, a construction environmental management plan must be prepared to the satisfaction of Kingston City Council.
11. All planting of vegetation within the coastal Crown land must utilise indigenous species.
12. Indigenous vegetation (other than approved under this consent) must not be damaged or removed as a result of the works.
13. Any clearing or construction activity associated with the works, should be carried out in accordance with the with EPA Publication No. 275 *Construction Techniques for Sediment Pollution Control* (May 1991).
14. The construction site must be managed in accordance with EPA Publication No. 981 *Reducing Stormwater Pollution from Construction Sites* (May 2005).
15. Construction equipment, building materials, refuse and site run-off must be contained and controlled and not permitted to impact on the beach or enter Port Phillip Bay or Mordialloc Creek.
16. All works must be completed, the site reinstated, and the works maintained to the satisfaction of Kingston City Council.
17. All works, including sampling, monitoring, stock piling and disposal of materials, are to be carried out in accordance with *the Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils 2010*.
18. This consent under the *Marine and Coastal Act 2018* will expire if the works are not completed within two years of the date of issue, unless an extension of time is applied for and granted by the Regional Director, Port Phillip Region, Port Phillip Region, DELWP.

Vegetation Removal Conditions

19. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and

- associated statutory requirements or approvals.
20. The total area of native vegetation proposed to be removed totals 0.015 hectares comprising one patch of Coastal Dune Scrub (EVC160).
 21. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offset of 0.004 general habitat units:
 - a. Located within the Port Phillip and Westernport Catchment Management boundary or Kingston municipal area
 - b. With a minimum strategic biodiversity score of at least 0.205
 22. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
 23. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
 24. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
 25. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
 26. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
 27. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted development, the following is prohibited:
 - a. Any vehicle or pedestrian access, trenching or soil excavation, and
 - b. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - c. Entry or exit pits for underground services, and
 - d. Any other actions or activities that may result in adverse impacts to retained native vegetation.

Time Limits

28. In accordance with Section 68 of the Planning and Environment Act 1987 (The Act), this permit will expire if one of the following circumstances applies:
 - a. The works are not started before two (2) years from date of this permit.

- b. The works are not completed before four (4) years from the date of permit issue.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Prior to the commencement of the development you are required to obtain any other necessary permits.

Note: All buildings and works must be carried out in accordance with the approved Cultural Heritage Management Plan as required by the *Aboriginal Heritage Act 2006*. A copy of the approved CHMP must be held on site during the construction activity.

Note: Any conditions specified by ESSO for the vegetation removal or future development must be adhered to.

Note: The applicant/owner must provide a copy of this planning permit and any endorsed plans to any external contractor to ensure that all trees to be retained on site are protected during any works.

Note: A copy of any approved Construction Management Plans required for the construction of the Changing Places Facility must be submitted to Council and made available for public viewing.

Note: Before removing / pruning any vegetation from the site, the applicant or any contractor engaged to remove any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Note: Any landscape plan prepared in accordance with conditions must comply with Council's Landscape Checklist.

Cr Oxley returned to the meeting at 7.27pm

CARRIED

8.6 KP-2020/529 - Carrum Roy Dore Reserve 24-40 Graham Road, Carrum

Moved: Cr Howe

Seconded: Cr Bearsley

That Council determine to support the proposal and issue a Notice of Decision to Grant a Permit to use the land for the sale and consumption of liquor at Carrum Roy Dore Reserve, 24-40 Graham Road, subject to the following condition:

1. The licensed premises as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Sale and consumption of liquor

2. No liquor is to be taken outside the licensed area at any time.
3. The selling and consumption of liquor is restricted to the following times and patron numbers:

Within the pavilion:

Sunday to Thursday	12 noon to 11:00pm
Friday and Saturday	12 noon to 12 midnight

Point of sale from servery:

Thursday	4:30pm to 8:30pm
Friday	5:00pm to 9:30pm
Saturday and Sunday	12 noon to 5:00pm

Within the pavilion (when a pre-booked event has less than 120 patrons):

Sunday to Thursday	12 noon to 11:00pm
Friday and Saturday	12 noon to 1am, the following morning

Or otherwise as approved by the Responsible Authority in writing.

Venue Management Plan

4. Prior to the commencement of the use, a Venue Management Plan must be submitted to the satisfaction of the Responsible Authority. The Management Plan must address, but is not limited to the following:
 - a) Management Responsibilities
 - b) Emergency Management
 - c) Patron Management
 - d) Identification of areas of the building available for events
 - e) Safety and Security Measures
 - f) Noise Control
 - g) Incident Recording / Reporting
 - h) Complaints Recording / Reporting
 - i) Parking Management
 - j) Alcohol Consumption Permit Requirements

Third Party Hire Agreement

5. A Third Party Hire Agreement must be prepared for any external hire of the building and submitted to the satisfaction of the responsible authority in accordance with Kingston City Council's *Lease and Licence Policy 2018* (or as amended time to time). The Agreement will then be endorsed and form part of the permit. This Agreement must include, but is not limited to the following information:
 - a. The suggested strategies for the management of patrons departing the premises
 - b. A section that provides for a nominated person and contact details for each event; and
 - c. A copy of the planning permit.
6. A register must be prepared that manages and records any complaints regarding the operation of the premises during events held by third parties. The register must be held on-site and available to inspect at any time by the responsible authority.

General amenity conditions

7. Associated noise from the selling and consumption of liquor on site shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard any nuisance shall be assessed in accordance with the Environment Protection Act 1970 (EPA), State Environment Protection Policy (Control of Music Noise from Public Premises (SEPP-N2) (or equivalent superseding policy from the EPA) relating to the control of noise and recommended sound levels for varying scenarios to the satisfaction of the responsible authority.
8. No liquor goods or packaging materials shall be stored or left exposed outside any building so as to be visible to the public from a road or other public place.

Expiry

9. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
 - A liquor license in accordance with this permit is not issued within two (2) years from date of this permit.
 - The liquor license is not acted upon for a period of two (2) years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Note: Any future occupant of the pavilion should be provided a copy of this permit.

Note: It is recommended prior to any large function or event occurring on the land that neighbouring properties are provided notice.

Note: Environment Protection Authority (EPA) Victoria set out the requirements pertaining to permissible noise levels.

Note: Before the provision and / or consumption of liquor hereby permitted starts, a Liquor License must be obtained from Liquor Licensing Victoria pursuant to the Liquor Control Reform Act 1988, as amended.

CARRIED

8.7 DELWP 'Planning for Melbourne's Green Wedges and Agricultural Land' - Submission

Moved: Cr Saab

Seconded: Cr Davey-Burns

That Council endorse the final submission at Appendix 2 as Council's response to the Department of Environment, Land, Water and Planning's "Planning for Melbourne's Green Wedges and Agricultural Land – Consultation Paper".

CARRIED

8.8 Planning Compliance in the Green Wedge - Update December 2020

RECOMMENDATION

That the report be received.

Note: Refer to page 4 of the Minutes where this item was block resolved

8.9 Tree Removal Application at No.179-217 Centre Dandenong Road Dingley Village -PT-2020/193; PT-2020/308; PT-200/462; PT2020/590 and PT-2020/591

Moved: Cr Hua

Seconded: Cr Bearsley

That Council:

1. Support grant of Local Law Permits for trees no. 1, 9, 10, 11, 12, 13 in Section 3 of this report where the Recommendation is to remove pursuant to the assessment criteria contained within Clause 42 of the Community Local Law and provide for replacement planting at a ratio of up to 3:1 for each tree proposed to be removed.
2. Refuse the removal of the remaining trees outlined in Section 3 of this report
3. Write to the landowner and request:
 - a) that the existing vegetation on the subject land is appropriately managed (eg. irrigated where required) and maintained to appropriate standards of arboriculture; and
 - b) any further applications regarding vegetation removal are delayed until such time as a further determination is made regarding the future use of the land, unless immediate safety risks have been identified.
4. Reinforce that should the landowner have any queries regarding the management of the vegetation on the subject land it proactively engage with Council.

CARRIED

9. Community Sustainability Reports

9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract

Cr Bearsley declared a material conflict of interest in this item due to residential amenity as she lives in close proximity to the subject site and left the meeting at 7.47pm prior to any discussion on the matter.

Moved: Cr Oxley

Seconded: Cr Eden

That Council:

1. Note the officer report regarding the figure of \$3,492,700.00 in the table - Final Adjusted Tender Lump Sum is incorrect and should read as \$3,440,000.00.
2. Receive the information and note the outcome of the tender assessment process for Contract 20/094 Aspendale Gardens Pavilion construction, as set out in the

confidential Appendix A of this report.

3. Delegate authority to the CEO to award Contract 20/094 – Aspendale Gardens Pavilion construction for the final adjusted fixed lump sum price of \$3,658,808.00 (excl. of GST) to KL Modular Systems (AUST) P/L.
4. Approve the allocation of a separate contingency allocation, as set out in the attached confidential Appendix B and delegate authority to the CEO, or her nominee, to expend this allowance to ensure the successful completion of the project.

CARRIED

Cr Bearsley returned to the meeting at 7.51pm

10. City Assets and Environment Reports

10.1 Continued Support of Community Sporting Clubs (summer) during COVID-19 Restrictions

RECOMMENDATION

That Council:

1. Extend the current fee waiver for seasonal pavilion fees from 1 January 2021 to 31 March 2021; and
2. Charge all outdoor sporting clubs seasonal fees for sports fields usage for the remainder of the summer season, from 1 January 2021 to 31 March 2021.

Note: Refer to page 4 of the Minutes where this item was block resolved

10.2 Emergency Management Planning Reform – Changes to Municipal Emergency Management Planning Committee

RECOMMENDATION

That Council:

1. Authorise the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December 2020 these provisions are repealed by s82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act (EMLA) 2018*;
2. Authorise the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020);
3. Note that under the MEMPC Terms of Reference provided and the *Emergency Management Legislation Amendment Act 2018* (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020) Council's role is to

- establish the committee;
- Note that once established, the committee exists separately to Council and is not a committee of Council; and
 - Revoke the appointment of Cr Cochrane to the MEMPC as resolved at the Council Meeting on 18 November 2020 due to elected Councillors not forming part of the MEMPC membership under the *Emergency Management Legislation Amendment Act 2018*.

Note: Refer to page 4 of the Minutes where this item was block resolved

10.3 Sale of Land - 2 Troy Street, Bonbeach

Moved: Cr Oxley

Seconded: Cr Howe

That Council:

- Authorise the Chief Executive Officer or her delegate to apply for a Planning Permit to remove the drainage reserve reservation from reserve Lot 1 on Title Plan 946305N and create remaining lots;
- Following removal of the reservation, authorise the Chief Executive Officer or her delegate to publish a public notice in accordance with section 189 of the Local Government Act 1989 (Act) stating Council's intention to sell Lot 1 PS842141K shown in this report, and invite submissions that will be considered in accordance with section 223 of the Act;
- Authorise the Chief Executive officer or her delegate to carry out the necessary administration procedures to allow Council to carry out its functions under section 223 of the Act;
- Authorise the Chief Executive officer or her delegate to convene if required, on 2 February 2021 at 5pm at 1230 Nepean Highway Cheltenham a section 223 committee of Council to include the Longbeach Ward Councillor, General Manager City Assets and Environment, Manager Property and Arts, and Team Leader Property Services to hear presentations from parties who wish to be heard in support of their written submission, and then report back to Council; and
- In the event no submissions are received, authorise the Chief Executive Officer or her delegate to proceed to sell the land for \$13,728 plus GST and costs associated with the sale.

CARRIED

10.4 Elder Street South Reserve

RECOMMENDATION

That Council approve the release of the Elder Street Master Plan for community consultation in February 2021.

Note: Refer to page 4 of the Minutes where this item was block resolved

11. Corporate Services Reports

11.1 Response to Notice of Motion No.45/2020 - Cr Oxley - Recording of Council Meetings Policy

The CEO Julie Reid declared a material conflict of interest in this item as her position is subject to the matter and left the meeting at 7.52pm prior to any discussion on the matter.

Moved: Cr Oxley

Seconded: Cr Eden

That Council adopt a change to the Recording of Council Meetings Policy to allow for the recording and retention of matters relating to the Chief Executive Officer (CEO) as outlined in Attachment 1.

CARRIED

The CEO returned to the meeting at 8.06pm

11.2 CON 20/050: Provision of Printing Services - Recommendation to Award Contract

RECOMMENDATION

That Council:

1. Award CON 20/050 Provision of Printing Services to the suppliers listed below for the initial three (3) year period commencing on 1 January 2021 at an estimated combined cost of \$313,389 annually, with a total estimated combined contract value of \$940,167 over 3 years or \$1,566,946 over 5 years:
 - A. High Profile Printing (panel):
 - Doran Printing
 - Southern Impact
 - Kosdown
 - Complete Colour
 - B. Newsletter Printing (sole provider):
 - Complete Colour
2. Delegate to the Chief Executive Officer the authority to exercise the Council's option to extend the contract for two (2) years at the completion of the initial contract period, subject to the contractors' satisfactory performance.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.3 Annual Report 2019/20

RECOMMENDATION

That Council, having considered the 2019/20 Annual Report, determine that it be adopted in accordance with the *Local Government Act 1989* and Regulation 22 of the *Local Government (Planning and Reporting) Regulations 2014*.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.4 Commercial Use of Land Application - Mordialloc Summer Carnival

RECOMMENDATION

1. That Council endorse the proposal for the Mordialloc Summer Carnival to be held at Peter Scullin Reserve, Mordialloc from 26 December 2020 - 17 January 2021, subject to the applicant satisfying a range of conditions including; State Government approval for a Public Event, COVID safety measures, event management measures, obtaining a Place of Public Entertainment permit and agreement to a commercial use of land fee.
2. That Council approve the recommended:
 - a) reduced Commercial Use of Land Fee to be charged; and
 - b) the applicant accessing Council infrastructure for the provision of electricity.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.5 Australia Day Award Nominations 2021

Moved: Cr Oxley

Seconded: Cr Saab

That:

1. Council determine this matter in the part of the meeting closed to members of the public due to the discussion involving personal information of the applicants.
2. The Mayor advise the recipients ahead of Australia Day on 26 January 2021

CARRIED

11.6 Media and External Communications Policy Review

RECOMMENDATION

That Council adopt the revised Media and External Communications Policy.

Note: Refer to page 4 of the Minutes where this item was block resolved

11.7 Councillor Appointments to Committees and Organisations 2020/21

Moved: Cr Saab

Seconded: Cr Davies

That Council make the following appointments to committees and organisations for 2020/21 subject to all Councillors being appointed to the CEO Employment Committee:

Legislative Committees	2020/21 Appointee/s
Planning Committee	Previously resolved at the Council (Statutory) Meeting on 18 November 2020
Audit and Risk Committee	Previously resolved at the Council (Statutory) Meeting on 18 November 2020
Municipal Emergency Planning Committee	Previously resolved at the Council (Statutory) Meeting on 18 November 2020

Internal Committees	2020/21 Appointee/s
CEO Employment Committee	All Councillors

Advisory Committees	2020/21 Appointee/s
Access and Equity	Cr Davey-Burns Cr Oxley
Arts and Culture	Cr Bearsley Cr Howe Cr Davey-Burns (alternate)
Business and Economic Development	Cr Hua Cr Oxley
Community Safety	Cr Cochrane
Public Spaces and Environment	Cr Saab
Active Kingston	Cr Davies Cr Hill
Youth (12-17 years old)	Cr Eden Cr Oxley Cr Saab
Youth (18-25 years old)	Cr Oxley Cr Eden Cr Saab

Consultative Committees	2020/21 Appointee/s
Bay Watch	Cr Bearsley Cr Eden Cr Oxley Cr Hill Cr Howe Cr Cochrane
Kingston Charitable Fund (KCF) Community Grants Panel	Mayor and Cr Oxley
Kingston Historic Network	Cr Bearsley Cr Staikos (alternate)
Kingston Interfaith Network	Cr Bearsley

**City of Kingston
Council Meeting**

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	Cr Saab
LF Payne Hall Usage Committee	Cr Oxley

External Committees/Organisations	2020/21 Appointee/s
Association of Bayside Municipalities	Cr Davey-Burns
Friends of Manatuto Committee	Cr Staikos
Inter Council Aboriginal Consultative Committee	Cr Davey-Burns
Local Government Waste Management Forum	Cr Staikos Cr Oxley (alternate) Cr Saab (alternate)
Metropolitan South Eastern Region MAV Representatives and Mayors	Mayor
Metropolitan Transport Forum	Cr Oxley (alternate) Cr Saab
Moorabbin Airport Consultative Committee	Cr Davies Cr Hua Cr Staikos (alternate)
Municipal Association of Victoria	Previously resolved at the Council (Statutory) Meeting on 18 November 2020
Municipal Association of Victoria Environment Committee	Cr Saab
Municipal Association of Victoria Planning Committee	Cr Hill Cr Oxley
SEM City Deal	Mayor Cr Oxley (alternate) Cr Saab (alternate)
South East Councils Climate Change Alliance (SECCCA)	Cr Hill Cr Saab (alternate)
Victorian Local Governance Association	Mayor

CARRIED

11.8 Quick Response Grants

RECOMMENDATION

That Council:

1. Approve the following grant applications:
 - Dingley Tennis Club - \$1500.00
 - Parkdale Cricket Club - \$1500.00
 - Patterson Lakes Combined Probus Club - \$480.00
 - Clarinda Lions Club - \$1200.00
 - Aspendale Stingrays Soccer Club - \$1500.00
 - Mordialloc Motor Yacht Club - \$1500.00
 - Moorabbin Bowling Club Inc - \$1500.00

- Mordialloc Redbacks Junior Football Club - \$1500.00
2. Not approve the following grant applications:
- Heatherton Cricket Club

Note: Refer to page 4 of the Minutes where this item was block resolved

Question Time

Geoff Gledhill of Parkdale asked,

“Can you please advise when the budgeted upgrade works to the Parkdale Shopping Centre will commence?”

The General Manager City Assets and Environment responded,

“Council intends to tender the work in March next year. Subject to the tenders being within the allocated budget, works are planned to commence in mid-2021 as per traders’ requests to minimise disruption over summer.”

Geoff Gledhill of Parkdale asked,

“Were Council Officers or Councillors advised of PTV’s decision to close the McIndoe Parade/Elm Grove pedestrian rail crossing with no community consultation?”

The General Manager City Assets and Environment responded,

“Following safety issues being raised with the Department of Transport, Council was previously advised that the crossing was going to be temporarily closed to allow a safety upgrade to be undertaken.

Council was not informed of the recent advice provided to residents by the Department of Transport regarding the closure of the crossing – and was not able to undertake community consultation prior.

Council is planning to write to the Minister for Transport Infrastructure to reinforce the feedback we have received from the local community regarding the importance of this crossing.”

Damien Williams of Chelsea asked,

“Will officers please provide an update on the probity review into decisions and actions involving John Woodman and his associates? What findings, if any, have been made and when will a final report be published?”

The General Manager Corporate Services provided the following response,

“The review is continuing. The report is currently expected in the new year”

12. Notices of Motion

12.1 Notice of Motion No. 47/2020 - Cr Howe - Banksia Ward Traders' Association

Moved: Cr Howe

Seconded: Cr Davey-Burns

That:

- Kingston City Council help facilitate the formation of two traders' associations for Banksia Ward, broken down to Patterson Lakes in addition to Carrum and Bonbeach.
- By January 30, Council has contacted traders and landlords about this opportunity, with a date for an inaugural meeting managed by Council to record details of all interested parties.
- As part of the process, Council run further meetings as necessary to formalise the associations, and ensure that the appointed office bearers have Council contacts for support.

CARRIED

12.2 Notice of Motion No. 48/2020 - Cr Howe - Banksia Ward Maintenance

Moved: Cr Howe

Seconded: Cr Hua

That:

1. Council, within the scope of the Graffiti Management Plan framework, remove or advocate to the appropriate owner for the safe removal of all graffiti on various assets, signs, boxes, bridges and properties abutting to McLeod, Thompson and Eel Race roads within Banksia Ward as soon as practicably possible.
2. The above approach be applied to graffiti on or below the Carrum bridge, including on vandalised pylons in Patterson River.
3. Council work with the owners and occupiers of the Station Street, Carrum shops to arrange for the removal of all graffiti from this site, and to undertake ongoing monitoring of these properties to ensure early removal, should it re-occur in the future.

CARRIED

12.3 Notice of Motion No. 49/2020 - Crs Howe & Saab - Mental Health Workshops

Moved: Cr Howe

Seconded: Cr Saab

That a report be received by the March Council Meeting, addressing the feasibility of establishing a series of community-based mental health workshops, which would be implemented as part of a trial and form a part of Kingston's Covid recovery. Further that the report consider creating a grant application process, enabling sporting clubs and registered community organisations to access funding for workshops, which would be provided strictly by qualified mental health professionals at suitable venues.

CARRIED unanimously

12.4 Notice of Motion No. 50/2020 - Cr Davies - CEO Expenses

The CEO Julie Reid declared a direct interest in this item as she is a party to the matter and left the meeting at 8.38pm prior to any discussion on the matter.

Moved: Cr Davies

Seconded: Cr Davey-Burns

That Council receive a report to the February 2021 meeting that considers the following:

1. Amending Item 8.5.2 of the Chief Executive Officer (CEO) contract (related to expense claims approval) that will provide for the provision for the Chief Executive Officer to spend up to \$500 on any individual matter related to professional associations, professional development, conferences and incidental expenses to allow for the CEO's day to day performance of the position as required under the employment conditions as listed in 8.5.1 of the contract, without having to gain prior approval from Council for that expenditure.
2. Claims for reimbursement to be made and dealt with by the General Manager Corporate Services in accordance with adopted and approved practices and procedures.
3. A limit of \$2500 in any quarter from 1 July would apply and a report would be submitted to Council at the end of each quarter.
4. Any amount exceeding \$2500 in a quarter would be subject to a Council resolution.

Further that any changes to the Chief Executive Officer contract would need the consent and agreement of the Chief Executive officer.

CARRIED

The CEO returned to the meeting at 8.51pm.

12.5 Notice of Motion No. 51/2020 - Cr Oxley - Waiver of Rates

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Saab

That due to the consideration of the personal circumstances of ratepayers, Council consider and determine Item 12.5 in the part of the meeting closed to members of the public.

CARRIED

12.6 Notice of Motion No. 52/2020 - Crs Eden & Oxley - Trader and Community Working Group

Moved: Cr Eden

Seconded: Cr Oxley

That Council establish a trader and community working group for the revitalisation and economic development of Chelsea, Edithvale and Chelsea Heights shopping strips.

Further that the group focus on (but is not limited to) events for economic development as well as streetscape improvements, accessibility improvements, traffic and parking and trader assistance and support.

Cr Cochrane left the meeting at 8:58pm

Cr Cochrane returned to the meeting at 8:59pm

CARRIED

13. Urgent Business

There were no items of urgent business.

14. Confidential Items

Moved: Cr Oxley

Seconded: Cr Hua

That in accordance with section 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of the following confidential items:

11.5 Australia Day Award Nominations 2021

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and*
- *The explanation as to why the specified ground/s applies is that Council will be discussing personal information of nominees*

12.5 Notice of Motion No. 51/2020 - Cr Oxley - Waiver of Rates

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and*
- *The explanation as to why the specified ground/s applies is that Council will be discussing personal information of affected parties.*

14.1 Confidential VCAT Matter

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *legal privileged information, being information to which legal professional privilege or client legal privilege applies (section 3(1)(e)), and*
- *The explanation as to why the specified ground/s applies is that the report summarises and relies upon legal advice obtained (also attached as a confidential attachment to this report).*

14.2 CEO Employment Matters - Quarterly Review

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)), and*
- *The explanation as to why the specified ground/s applies is that it relates to a staffing matter.*

14.3 CEO Employment Matters

This agenda item is confidential information for the purposes of section 3(1) of the Local Government Act 2020 because it is:

- *legal privileged information, being information to which legal professional privilege or client legal privilege applies, and personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(e) and (f)), and*
- *The explanation as to why the specified ground/s applies is that it deals with personal information and legal advice.*

Confidential Appendices

**9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract
Appendix 1, Appendix A - Con 20/094 Tender Evaluation Matrix**

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).

**9.1 CON - 20/094 Aspendale Gardens Pavilion - Award of Contract
Appendix 2, Appendix B - Project Expenditure Breakdown : Con 20/094**

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(g).

**11.2 CON 20/050: Provision of Printing Services - Recommendation to Award
Contract
Appendix 1, CON-20-050 Summary of Evaluation**

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a).

**11.2 CON 20/050: Provision of Printing Services - Recommendation to Award
Contract
Appendix 2, CON-20-050 Shortlist Evaluation Summary**

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a).

11.2 CON 20/050: Provision of Printing Services - Recommendation to Award

Contract

Appendix 3, CON-20-050 Certificates of Currency

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(a)).

11.5 Australia Day Award Nominations 2021

Appendix 1, Australia Day Awards 2021 - Summary of Nominations and Referee checks

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).

11.5 Australia Day Award Nominations 2021

Appendix 2, Australia Day 2021 - Citizen of the Year Nomination (supporting documentation) - Phillip Spathopoulos

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).

11.5 Australia Day Award Nominations 2021

Appendix 3, Australia Day 2021 - Community Group of the Year Nomination (supporting documentation) - Unified Filipino Elderly Association

This appendix is confidential in accordance with the Local Government Act 2020, s3(1) as it relates to (s3(1)(f)).

CARRIED

The meeting was closed to members of the public at 9.00pm.

Procedural Motion

Moved: Cr Oxley

Seconded: Cr Hua

That the meeting be opened to members of the public

CARRIED

The meeting was opened to members of the public at 9.30pm.

The meeting closed at 9.30pm.

Confirmed.....

The Mayor 27 January 2021